

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

NANCY K. SCHWEIKHARD

**1516 Matanzas Road
Santa Rosa, CA 95405**

Registered Nurse License No. 508784

Respondent

Case No. 2012-609

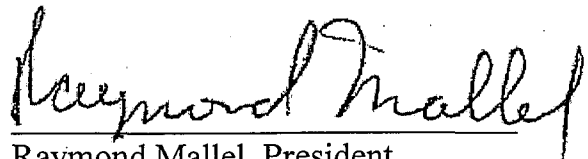
OAH No. 2012050383

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **October 30, 2012.**

IT IS SO ORDERED **October 30, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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Supervising Deputy Attorney General
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2012-609

11 **NANCY K. SCHWEIKHARD**
12 **1516 Matanzas Road**
Santa Rosa, CA 95405
13 **Registered Nurse License No. 508784**

OAH No. 2012050383

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Respondent.

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 proceeding that the following matters are true:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
20 Registered Nursing. She brought this action solely in her official capacity and is represented in
21 this matter by Kamala D. Harris, Attorney General of the State of California, by Brett A.
22 Kingsbury, Deputy Attorney General.

23 2. Nancy K. Schweikhard (Respondent) is representing herself in this proceeding and
24 has chosen not to exercise her right to be represented by counsel.

25 3. On or about February 23, 1995, the Board of Registered Nursing issued Registered
26 Nurse License No. 508784 to Respondent. The Registered Nurse License was in full force and
27 effect at all times relevant to the charges brought in Accusation No. 2012-609 and will expire on
28 October 31, 2012, unless renewed.

1 Registered Nursing may communicate directly with the Board regarding this stipulation and
2 surrender, without notice to or participation by Respondent. By signing the stipulation,
3 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
4 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
5 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be
6 of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
7 between the parties, and the Board shall not be disqualified from further action by having
8 considered this matter.

9 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
10 License and Order, including facsimile signatures thereto, shall have the same force and effect as
11 the originals.

12 12. This Stipulated Surrender of License and Order is intended by the parties to be an
13 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
14 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
15 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
16 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
17 executed by an authorized representative of each of the parties.

18 13. In consideration of the foregoing admissions and stipulations, the parties agree that
19 the Board may, without further notice or formal proceeding, issue and enter the following Order:

20 **ORDER**

21 IT IS HEREBY ORDERED that Registered Nurse License No. 508784, issued to
22 Respondent Nancy K. Schweikhard, is surrendered and accepted by the Board of Registered
23 Nursing.

24 1. The surrender of Respondent's Registered Nurse License and the acceptance of the
25 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
26 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
27 license history with the Board of Registered Nursing.
28

2. Respondent shall lose all rights and privileges as a registered nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2012-609 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$3,082.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2012-609 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

1 DATED:

2 August 1, 2012 Nancy K. Schweikhard
3
4

NANCY K. SCHWEIKHARD
Respondent

5 ENDORSEMENT

6 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
7 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

8 Dated:

9 Aug 6, 2012

10 Respectfully submitted,

11 KAMALA D. HARRIS
12 Attorney General of California
13 FRANK H. PACOE
14 Supervising Deputy Attorney General

15 Brett A. Kingsbury

16 BRETT A. KINGSBURY
17 Deputy Attorney General
18 Attorneys for Complainant

19 SF2012401337

Exhibit A

Accusation No. 2012-609

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2012-669

11 **NANCY K. SCHWEIKHARD**
12 **1516 Matanzas Road**
Santa Rosa, CA 95405
13 **Registered Nurse License No. 508784**

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about February 23, 1995, the Board of Registered Nursing issued Registered
22 Nurse License Number 508784 to Nancy K. Schweikhard (Respondent). The Registered Nurse
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on October 31, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
2 that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
8 Code, the Board may renew an expired license at any time within eight years after the expiration.

9 **STATUTORY PROVISIONS**

10 6. Section 2761 of the Code states:

11 "The board may take disciplinary action against a certified or licensed nurse or deny an
12 application for a certificate or license for any of the following:

13 "....

14 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
15 functions, and duties of a registered nurse, in which event the record of the conviction shall be
16 conclusive evidence thereof.

17 "...."

18 7. Section 2765 of the Code states:

19 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
20 charge substantially related to the qualifications, functions and duties of a registered nurse is
21 deemed to be a conviction within the meaning of this article. The board may order the license or
22 certificate suspended or revoked, or may decline to issue a license or certificate, when the time
23 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an
24 order granting probation is made suspending the imposition of sentence, irrespective of a
25 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person
26 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
27 of guilty, or dismissing the accusation, information or indictment."

28 8. California Code of Regulations, title 16, section 1444, states:

1 "A conviction or act shall be considered to be substantially related to the qualifications,
2 functions or duties of a registered nurse if to a substantial degree it evidences the present or
3 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
4 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

5 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in
6 subdivision (d) of Penal Code Section 11160.

7 "(b) Failure to comply with any mandatory reporting requirements.

8 "(c) Theft, dishonesty, fraud, or deceit.

9 "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the
10 Penal Code."

11 COSTS

12 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
13 administrative law judge to direct a licensee found to have committed a violation or violations of
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15 enforcement of the case.

16 CAUSE FOR DISCIPLINE

17 (Conviction for Theft)

18 10. Respondent is subject to disciplinary action under section 2761(f) of the Code and
19 section 1444 of Title 16, California Code of Regulations, in that Respondent was convicted of a
20 crime substantially related to the qualifications, functions, or duties of a registered nurse.

21 11. Specifically, on or about May 5, 2011, in the Superior Court for the County of
22 Sonoma, in the matter entitled *The People of the State of California v. Nancy Kay Schweikhard*,
23 Case No. SCR-596482, Respondent pled no contest to and was convicted of violating California
24 Penal Code § 484(a) (theft), a misdemeanor. The circumstances were that Respondent attempted
25 to steal some items from a Wal-Mart store. Witnesses at the scene reported that, after the stolen
26 items were recovered from Respondent's purse, Respondent became physically and verbally
27 uncooperative and fled the store in her Honda Pilot. Police later located and arrested Respondent
28 at her home.

1 12. Additionally, on or about June 10, 2007, in the Superior Court for the County of
2 Ventura, in the matter entitled *The People of the State of California v. Nancy Kay Schweikhard*
3 (09-21-1957), Case No. 2007021893MA, Respondent pled nolo contendere and was convicted of
4 violating California Penal Code § 487(a) (grand theft of personal property), a misdemeanor. The
5 circumstances were that Respondent stole clothing in excess of \$400.00 of value from Kohl's.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

- 9 1. Revoking or suspending Registered Nurse License Number 508784, issued to Nancy
10 K. Schweikhard;
11 2. Ordering Nancy K. Schweikhard to pay the Board of Registered Nursing the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3;
14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: April 06, 2012

16 Louise R. Bailey
17 LOUISE R. BAILEY, M.Ed., RN
18 Interim Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

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